

FILED UNDER SEAL

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

THE STATE OF TEXAS, et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 4:20-cv-00957-SDJ

EXHIBIT 12

**PLAINTIFF STATES' OPENING BRIEF TO THE SPECIAL MASTER
FOR THE FEBRUARY 22, 2024 HEARING**

February 7, 2024

Via E-mail

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Re: *The State of Texas, et al. v. Google LLC*, Case No. 4:20-cv-00957-SDJ (E.D. Tex.)

Dear Counsel:

We write on behalf of the Plaintiff States (“States”), following up on our meet and confer yesterday regarding the States’ January 16 and 19, 2024 letters, Google’s January 30, 2024 letter, and the States’ February 3, 2024 e-mail correspondence. Based on our discussion, as well as our review of relevant materials after the meet and confer, we understand that the Parties are at an impasse on the following topics:

- Discovery correspondence from the Virginia case;
- Expert reports from the Virginia case;
- *Search* trial transcripts;
- Dashboards;
- Reproduction of word documents in native form;
- Links and document repositories; and
- APIs, programming guides, design documents, onboarding and training materials, and other technical documents.

We have reviewed the discovery letters referenced by Google’s counsel during yesterday’s meet and confer, as well as the cited provisions of the ESI Order (ECF No. 183) , and believe our requests are proper and reasonable under the respective past discussions and order provisions.

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Accordingly, we intend to raise the above issues when the parties meet with the Special Master on February 8, 2024 and/or at other meetings with the Special Master.

We also write to memorialize other issues discussed by the Parties:

With respect to the documents containing illegible or unreadable mathematical formulae, Google's counsel represented during yesterday's meet and confer that the errors were caused by system rendering issues, which prevent Google from searching for and mass reproducing such documents. In lieu of mass reproduction, Google's counsel represented that Google would reproduce any specific documents identified by the States containing illegible formulae with the formulae fixed.

With respect to the States' requests as to Google source code, Google's counsel represented during yesterday's meet and confer that Google is currently considering the States' requests and that Google expects to provide a response soon. Accordingly, the Parties agreed that, while the source code requests were not at impasse yet, any outstanding source code requests would be ripe to raise at the next meeting with the Special Master.

Finally, the Parties agreed that the States would not oppose Google's request for 15 additional pages for its re-filed motion to dismiss, and Google would not oppose the States' receiving 15 additional pages for their response to the motion to dismiss. Google's counsel also represented that they did not believe there would be any substantive changes in the re-filed motion to dismiss.

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Sincerely,

/s/ Zeke DeRose III .

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